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C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 008550

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SUBJECT: COLOMBIAN PROSECUTOR BEGINS TO IMPLEMENT JUSTICE AND PEACE LAW; KEY STEPS REMAIN

Classified By: Ambassador William B. Wood.

Reasons: 1.4 (b) and (d)

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SUMMARY  
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1. (C) The GOC has taken important steps to implement the Justice and Peace (J&P) law, but much more needs to be done. The most significant steps so far include the naming of J&P Specialized Unit Chief Luis Gonzalez in the Prosecutor's Office (Fiscalia) and the creation of the National Reconciliation and Reparations Commission (CNRR). Embassy has stressed at every opportunity that the key to the success of this process lies in its rigorous implementation. The GOC's next steps include funding and staffing the J&P unit; establishing intelligence sharing mechanisms among the GOC agencies; and improving 782 debriefings or "version libre." Embassy is formulating an action plan to ensure that the GOC implements the law as effectively as possible. End Summary.

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FISCALIA EFFORTS TO IMPLEMENT J&P LAW  
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2. (C) The Fiscalía's appointment of J&P Specialized Unit Chief Luis Gonzalez is a move in the right direction. According to the law, the unit will investigate "the time, place, and manner in which the criminal acts were committed (and the damage the individual caused directly either alone or collectively as a member of the organization to victims." Emboffs who knew Gonzalez when he served as head of the National Directorate in the Fiscalía describe him as practical and focused on getting the job done. Nevertheless, he reportedly lacks political clout within the Fiscalía and has limited influence over his boss, Prosecutor General Mario Iguaran.

3. (C) Gonzalez sought the advice of the Embassy and NGOs before he took office on September 1. Gonzalez has agreed to implement some U.S. and other recommendations including some of Human Rights Watch. He plans to: (1) require former combatants to divulge their names and aliases; involvement in or knowledge of their group's participation in atrocities; location of bodies and kidnapping victims; and the group's financing assets, supporters and structure in order to receive demobilization benefits; and (2) prepare a document demobilized paramilitaries will sign acknowledging that the Fiscalía will regard any omission to their statement as intentional and thus allow the GOC to process them in the regular justice system.

4. (C) Gonzalez told Emboffs that he has already picked seven out of 20 prosecutors ("Fiscales ante el Tribunal") required under the J&P law to process demobilized fighters. He has also sought an additional 60 auxiliary prosecutors ("fiscales seccionales") and 150 investigators to work with the unit. He has begun requesting international assistance (including USD 4.4 million from the USG) to fund investigations, perform forensic tests, and facilitate communications capabilities for prosecutors and Corps of Technical Investigators (CTI) agents assigned to the Unit. He has also secured office space for the J&P Unit.

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FISCALIA: NEXT STEPS  
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5. (C) In a press interview in late August, Prosecutor General Iguaran said that the J&P unit would begin operating in a "couple of months." He explained that the unit would begin to record confessions and investigate crimes once it received a list from the Ministry of Interior and Justice of the demobilized paramilitaries that qualify for J&P process. Iguaran noted that the High Council of the Judiciary's appointment of magistrates to the Justice and Peace Tribunal are still pending.

6. (C) On September 2, J&P unit chief Gonzalez told us that he has a draft list of 125 demobilized paramilitaries. He added that new prosecutors would begin their preliminary investigations once the unit is complete. He is willing to share the list with the Embassy to obtain any additional information the USG might have on these individuals.

17. (C) Key next steps for the Fiscalia include:

-- Budgetary Authority: Gonzalez estimates that for the remainder of the year, the unit's budget is around USD 2 million. Next year's budget is estimated at USD 4.2 million, of which USD 3 million are for salaries alone, and USD 1.3 million are for general expenses. It appears that Gonzalez and others in the GOC are expecting foreign donors to provide some of the unit's funding needs.

-- Finding "Volunteers" for the Unit: Gonzalez informed us that he was encountering resistance in staffing the unit because the J&P law did not create new positions, but rather requires re-assignment of existing personnel. He added that many people would rather not be associated with the J&P process because they fear for their lives and those of their families. In addition, Gonzalez was concerned with his superiors' decision to have the 60 auxiliary prosecutors work only part-time with the unit, making it difficult to complete the investigations within 60 days as the law requires.

-- Developing an Intelligence Software Program: Gonzalez said they have begun to collect raw data from their own internal CTI system, and from other sources (including media), but he was extremely skeptical of his in-house ability to develop and fund a software program capable of storing and searching intelligence from the military, DAS, Peace Commissioner's office, etc. Gonzalez stated that none of the Fiscalia's agencies could spare a trained computer systems person to dedicate full-time to this project because they are all too busy with the transition to the accusatory justice system and other responsibilities.

-- Obtain Access to Other Agencies: Gonzalez expressed frustration over his inability to gain access to the Department of Administrative Security's (DAS, rough FBI equivalent) and the military's intelligence information on AUC activities and membership. Gonzalez stated, however, that he is in the process of working out an agreement to obtain access to this information. Based on the Fiscalia's past experience, Gonzalez expressed skepticism that the military, in particular, would actually turn over to the CTI its best intelligence.

-- Status of 782 Debriefings or "Version Libre": Gonzalez appeared to retreat from his support to beef up the 782 &version libre,8 which he had expressed to us in an August 22 meeting. This came after Iguaran instructed him to report directly to Ramiro Marin, who is the fiscal responsible for designing and implementing the 782 process. Emboffs, who have dealt with Marin in the past, say he is less receptive to our recommendations and has expressed resistance to change the current "version libre," at least with respect to the 782 demobilization process. On September 7, Emboffs met with Marin and he informed us that the resistance to a more rigorous debriefing not only comes from the Fiscalia, but from the High Commissioner's Office. He added, however, that he would respect the decision if Iguaran insists on more rigorous 782 debriefings. (Note: Emboffs have discussed with the Fiscalia the need to combine the 782 legal process with the new J&P law in order help identify the paramilitary leadership and most serious offenders who should be prosecuted under the J&P law and not 782; acquire as much information as possible about the demobilized individual's participation in illegal activities; and obtain intelligence about the activities of other members of the group, which can later be used in J&P investigations.)

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VICE PRESIDENT'S OFFICE EFFORTS TO IMPLEMENT J&P LAW  
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18. (C) The J&P law created an institution to manage the National Reconciliation and Reparations Fund, and Vice President Francisco Santos has designed the National Reconciliation and Reparations Commission (CNRR) to fulfill this task. At the head of this commission will be representatives from the Vice Presidency, Fiscalia, Ministry of Interior and Justice, Ministry of Finance, Human Rights Ombudsman's Office, and Social Solidarity Network. The commission also includes two representatives from victims' groups and five civil society members (Note: Three of the five prominent civil society leaders have already been named: Eduardo Pizarro Leon Gomez, Jaime Jaramillo Panesso, and Monsignor Nel Beltran.) The GOC will soon name two CNRR High Commissioners: (1) the Director for Social Solidarity Network Luis Alfonso Hoyos, who is currently in charge of the reparations fund; and (2) the Director of the Reinsertion Program Juan David Angel. Just below will be the Director for the Presidential Human Rights Program and the General Coordinator of the four main structures of the CNRR: Reparations, Reconciliation, Institutional Strengthening, and Administrative Support. A coordinator for each of these structures will be named to manage the other inter-institutional support agencies that will support this

process.

19. (C) A representative from the Vice President's Office told us that USD 1.4 million is the total estimated budget needed for the CNRR in the next seven months. This projection does not include USD 652,000 estimated as being required for the Reparations Fund. Emboffs were told that the estimates were conservative figures that the GOC has already budgeted to pay for this commission. GOC representatives explained that the Vice President's Office is also trying to reach out to the private sector to attract financial support for CNRR. So far, they informed us that five of the country's main trade associations ("gremios") have expressed their willingness to contribute to CNRR, but could supply no further details.

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VICE PRESIDENTS OFFICE: NEXT STEPS  
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10. (C) President Uribe will shortly approve the design and composition of the commission. Emboffs were told that it has been hard to develop a preliminary list of individuals due to salary constraints. According to representatives from the Vice President's Office, the challenge will be to translate this structure from paper into practice. Vice Presidency officials cautioned us that the commission's success is subject to the ability of the Fiscalía's J&P units to get started as well. They add that the Vice President's Office would like as much as possible to be working in parallel with the Fiscalía, but they foresee delays given the complexity of the justice side of the law.

11. (C) Embassy will continue to maintain close contact with GOC and Fiscalía officials as implementation rolls forward.

DRUCKER